

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

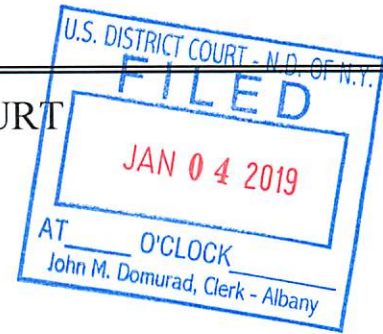
Northern District of New York

United States of America

v.

Francisco Javier Perez Martinez

Case No.

19-MJ- 8 (CH)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 19, 2018 in the county of Saratoga in the
Northern District of New York, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. 1326(a)

Reentry of a Previously Removed Alien, in violation of Title 8, United States Code, Section 1326(a).

This criminal complaint is based on these facts:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief: On or about December 19, 2018 in Saratoga County, in the State and Northern District of New York, the defendant, Francisco Javier Perez Martinez, a native and citizen of Mexico, being an alien who has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation,

☒ Continued on the attached sheet.

Complainant's signature

Deportation Officer Timothy Hancox

Printed name and title

Sworn to before me and signed in my presence.

Date: January 4, 2019

Judge's signature

City and state: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

Continuation sheet: *United States v. Francisco Javier Perez Martinez*

or removal is outstanding, entered and was thereafter found in the United States without the Attorney General of the United States, or his successor, the Secretary of Homeland Security, having expressly consented to his reapplication for admission into the United States.

In violation of Title 8 United States Code, Section(s) 1326(a).

I further state that I am an ICE Deportation Officer and that this complaint is based on the following facts:

On December 19, 2018, ICE Officers encountered Perez Martinez in Saratoga Springs, New York pursuant to a search warrant for fraudulent immigration documents at his residence. Perez Martinez was interviewed by ICE officers at his residence located at 69 Hamilton Street, Apt. 6, Saratoga Springs, NY 12866 to determine identity, alienage and removability. Perez Martinez stated to ICE officers that his name is Francisco Javier Perez Martinez, that he is a citizen of Mexico, that he is not a United States citizen, and that he is unlawfully present in the United States. Perez Martinez was subsequently arrested after he was determined to be present in the United States without admission or parole from an immigration officer. Perez Martinez was transported to the ICE office in Albany, NY where he had his fingerprints entered into the Department of Homeland Security's IDENT fingerprint database. Through the IDENT fingerprint comparison, it was determined that Perez Martinez was an alien previously removed from the United States to Mexico under alien number XXX XXX 610.

On August 17, 2016, Perez Martinez was arrested by the United States Customs Border Patrol near Columbus, New Mexico. Perez Martinez was issued a Notice and Order of Expedited Removal and was removed from the United States to Mexico on August 29, 2016 via ICE-Air.

A search of relevant immigration records indicates that Perez Martinez has not sought nor obtained the express permission of the Attorney General, or his successor, the Secretary of Homeland Security, to return to the United States following the removal.